



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,637	09/22/2000	G. Victor Guyan	07752.0019	8161
28164	7590	09/08/2006	EXAMINER	
ACCENTURE CHICAGO 28164				FRENEL, VANEL
BRINKS HOFER GILSON & LIONE				
P O BOX 10395				
CHICAGO, IL 60610				
				ART UNIT
				PAPER NUMBER
				3626

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Application Number</b> 	<b>Application/Control No.</b>	<b>Applicant(s)/Patent under Reexamination</b>
	09/667,637	GUYAN ET AL.
	<b>Art Unit</b>	
	Vanel Frenel	3626

<b>Document Code - AP.PRE.DEC</b>	
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## Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed 7/31/2006.

1.  **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- The request does not include reasons why a review is appropriate.
- A proposed amendment is included with the Pre-Appeal Brief request.
- Other: \_\_\_\_\_

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2.  **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

- The panel has determined the status of the claim(s) is as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: \_\_\_\_\_.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

3.  **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4.  **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

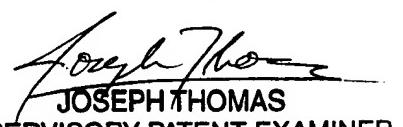
All participants:

(1) Joseph Thomas.

(2) Hyung (Sam) Sough.

(3) Vanel Frenel. (VF)

(4) \_\_\_\_\_.

  
**JOSEPH THOMAS**  
 SUPERVISORY PATENT EXAMINER

# TC 3600 Pre-Appeal Brief Conference Worksheet

Effective: July 12, 2005

(Pilot Program to run at least six months from effective date)

Date of Request: 09/667,637 7/31/2006  
Serial Number: 09/667,637 Date of Conference: 8/29/2006  
Examiner: Vanel Frenel Art Unit: 3626

## CONFEREES:

Host SPE (or substitute)	<u>Joe Thomas</u>	<u>1</u>
Conference Specialist	<u>Sam Sough</u>	<u>1</u>
Other (Primary, SPE, TQAS, etc.)		

Other Time

1  
1

Time Code 112039

## EXAMINER CHECKLIST:

- Is notice of appeal compliant with 37 CFR 41.31?
- Is request and accompanying argument in a separate paper entitled, "Pre-Appeal Brief Request for Review"?
- Is request five (5) or less total pages, provide a succinct, concise and focused set of arguments?
- No after-final or proposed amendments may accompany the request.
- Does request specify alleged clear errors in the examiner's rejections; or the examiner's omissions of one or more essential elements needed for a prima facie rejection?

## PANEL DECISION:

- Under Appeal: The application remains under appeal because there is at least one actual issue for appeal.
- Re-opened: Prosecution on the merits is reopened and an appropriate Office communications will follow in due course. In appropriate circumstances, a proposed amendment may accompany the panel's decision proposing changes that, if accepted, may result in an indication of allowability for the contested claim(s).
- Allowed: The application is allowed on the existing claims and prosecution remains closed.
- Dismissed: The request fails to comply with the submission requirements and is dismissed.

## TIME PERIODS BEFORE/AFTER A PANEL DECISION:

- The request must be filed with the filing of a notice of appeal and before the filing of the appeal brief. No extensions of time are available for filing the request for review.
- The time period for filing an appeal brief will be reset to be one month from mailing of the decision on the request, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater.
- The time period for filing the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of the decision on the request or the receipt date of the notice of appeal, as applicable. To the extent that any existing USPTO rule is inconsistent with this pilot program, the rule is waived until regulations directed to pre-appeal brief conferences are promulgated, or pilot program is ended. For example, if a request for a pre-appeal brief conference is filed with a notice of appeal, the time period set in 37 CFR 41.37 (a) (1) is waived so that an appeal will not stand dismissed if an appeal brief is not filed within two months of the filing date a notice of appeal, but is filed within one month of the decision on the request.

NOTES: Re-open prosecution with new references to Peterson (6,343,271) and (6,578,014) - Murdo, Jr.